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possible in the development and design of a service concept, and at each subsequent critical step." Comments at 11. Similarly, Self Help for Hard of Hearing People, Inc. ("SHHH") states that the Commission should "require companies to undergo 'disability impact analysis'" by adopting "process guidelines to guide telecommunications companies through various requirements to ensure access during the design and product/service development stages." Comments at 3-4. See also Protection and Advocacy Program - University Legal Services, Inc. ("P&A-ULS") at 3; Consortium for Citizens with Disabilities at 4; and Cerebral Palsy Associations at 4.

Sprint believes that the suggestion by NAD, SHHH and others that the Commission issue guidelines to enforce the duty imposed by Section 255(c) upon providers of telecommunications services is problematic for at least two reasons. First, Congress did not grant the Commission any explicit authority under Section 255(c) to issue such guidelines. This is marked contrast to the obligation of the Commission imposed by Section 255(e) to assist the Architectural and Transportation Barriers Compliance Board in developing "guidelines for accessibility of telecommunications equipment and customer premises equipment."

Based upon its reading of the legislative history of the provision, NAD claims that the failure of Congress to give the Commission a mandate to promulgate regulations for service providers was an "oversight." Comments at 4. However, the fact

that Section 255(e) requires the Commission to issue accessibility guidelines for telecommunications equipment and CPE while Section 255(c) does not contain comparable language with respect to telecommunications services requires that NAD's claim here be rejected. Congress has directly spoken on the issue by delegating to the Commission the responsibility to issue guidelines in one instance but not in the other. Thus, the Commission "must give effect to the unambiguously expressed intent of Congress." *Chevron U.S.A., Inc. v. Natural Resources Defense Council Inc. et al.*, 104 S.Ct. 2778, 2781 (1984).

The fact that Congress did not grant the Commission explicit authority to issue guidelines for service providers under Section 255 does not mean that individuals with disabilities are without the ability to ensure that carriers meet their obligation to provide accessible telecommunications services. Carriers who violate any of their duties imposed by the Act are subject to enforcement action by the Commission either on its own initiative or on the basis of a complaint filed by a member of the public. Thus, just like those individuals who believe that a carrier has violated either Sections 201 or 202 of the Act may seek relief through the Commission formal or informal complaint processes, so too can individuals use such processes to seek enforcement of Section 255(c).

Several parties argue that the complaint process is cumbersome and that persons with disabilities may lack the

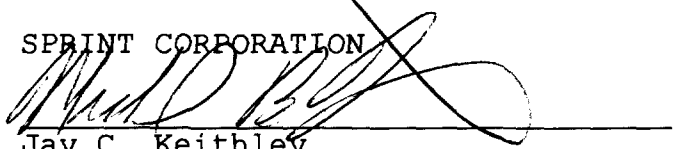
resources to prosecute a complaint before the Commission. See, e.g., American Federation for the Blind at 15, NAD at 9, and P&A-ULS at 2. Sprint is not unsympathetic to such concerns and believes that the Commission should consider modifying its complaint processes for those claiming a Section 255 violation in order to reduce costs and expedite Commission consideration of the complaint. But the imposition of accessibility regulations upon carriers providing telecommunications services would not eliminate the need of individuals to seek enforcement through the Commission's complaint processes. It would only mean that they would be able to allege a violation of a regulation in addition to a violation of Section 255. Thus, even assuming that the Commission had the statutory authority to issue regulations to enforce the Section 255(c) duties of telecommunications service providers, promulgation of such regulations would not reduce the need of individuals to seek enforcement of Section 255 on a case-by-case basis by filing either formal or informal complaints with the Commission.

Second, the establishment of a process under which carriers would be obligated to consult with individuals with disabilities as they design and develop new service offerings is simply impractical in a competitive marketplace where the rapid introduction of innovative services offerings is the hallmark. Sprint, of course, frequently meets with its customers, including those with disabilities, to discuss new service concepts.

Indeed, it has established advisory committees consisting of TRS users and TRS administrators in each of its States where Sprint operates the TRS center to talk about Sprint's TRS service offerings as well as to obtain suggestions on improving current services and providing new ones. Such committees have proven to be of benefit both to Sprint and to TRS users. See also SHHH at 4. But a formal obligation to consult with and presumably obtain the approval of individuals with disabilities at each critical stage in the development of a service regarding accessibility could lead to disputes which, in turn, could delay the introduction of new services to the public. As Sprint explained in its opening Comments, the legitimate goal of ensuring access to telecommunications services by persons with disabilities should not be an impediment to carriers seeking to bring new services to the marketplace.<sup>1</sup>

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<sup>1</sup> The regulatory framework envisioned by NAD and others could distort competition. Larger carriers would obviously conform their operations -- no matter how burdensome -- to the new regulatory structures. Smaller carriers may simply ignore such requirements on the assumption that the Commission will unlikely waste its limited resources in ensuring their compliance.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Reply Comments of Sprint Corporation** was sent by hand or by United States first-class mail, postage prepaid, on this the 27th day of November, 1996 to the below-listed parties:

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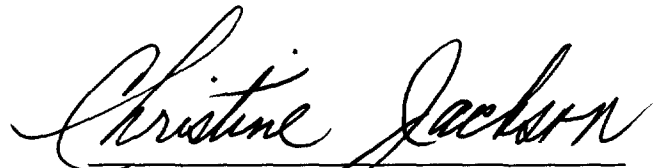
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